

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAY 18 2023

GARY P. SERDAR
CLERK OF COURT

BY _____
DEPUTY CLERK

15th May 2023

From The Desk of- as Creator:

MICHAEL KIRK MOORE – Vessel in Trust

Michael Kirk Moore – Beneficiary

c/o 12244 S. 2000 E. Draper, Utah [84020]

**TO: UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

Cause/Case Number, Court/Bank, CUSIP/BOND Attaching Docket No.

2:23-cr-00010

UNITED STATES OF AMERICA – IN ERROR:

A de facto private shareholder-owned bankrupt foreign for-profit governmental services
corporation listed on a Dun & Bradstreet # X[REDACTED]X

Now Operating as “The White House Office Inc.”

With Joseph R Biden Listed as “AGENT OF SERVICE” W/60,200+++ Subsidiaries

Correction: “We The People” our Government is a Republic, properly styled as
“The United States of America”

v.

MICHAEL KIRK MOORE– IN ERROR

Correction: MICHAEL KIRK MOORE – VESSEL

By: Michael Kirk Moore – True Beneficiary/Affiant;

PLASTIC SURGERY INSTITUTE OF UTAH, INC.

At peace and in honor

Maxim: You must know the name of a thing, in order to sue a Thing.

NOTICE OF SPECIAL APPEARANCE IN PROPRIA PERSONA

**MOTION TO DISMISS CRIMINAL COMPLAINT AND
CHALLENGE TO JURISDICTION AND STANDING**

Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent.

**SWORN TESTIMONY IN THE FORM OF
AFFIDAVIT OF TRUTH**

NOTICE of:

Maxims of Law

- 1- *Fraus est celare fraudem – It is a fraud to conceal a fraud.*
- 2- *All men-All men and women know that the foundation of law and commerce exists in the telling of the truth and nothing but the truth.*
- 3- *Truth, as a valid statement of reality, is sovereign in commerce.*
- 4- *An un rebutted affidavit stands as truth in commerce.*
- 5- *An un rebutted affidavit is acted upon as the judgment in commerce.*
- 6- *Guaranteed- All men shall have a remedy by the due course of law. If a remedy does not exist, or if the remedy has been subverted, then one may create a remedy for themselves – and endow it with credibility by expressing it in their affidavit.*
- 7- *He who leaves the battlefield first loses by default.*
- 8- *If the plaintiff does not prove his case, the defendant is absolved.*
- 9- *Ignorance of the law is no excuse.*
- 10- *What is in the record must not be denied. Conversely- what is not in the record must be denied.*
- 11- *“Men must be governed by God, or they will be ruled by tyrants.” William Penn*
- 12- *In commerce, for any matter to be resolved it must be expressed. Heb. 4:16*
- 13- *A lien or claim can be satisfied only through rebuttal by affidavit point by point, resolution by jury, or payment.*

INTRODUCTION

Remaining in honor I respectfully thank the judge for granting me the continuance last week to May 26, 2023. My patients, especially the two who traveled from afar, were most grateful.

As the court is aware I had heretofore requested that my attorneys be removed and discharged of all obligations in this cause of action, which precipitated your scheduling an in-person hearing that was rescheduled for May 26, 2023. The court is also aware that I have been interviewing other attorneys.

Last Friday, providence prevailed, and I was blessed to speak with an attorney who specializes in Constitutional law. While I did not retain his services, he piqued my interest and enlightened me regarding our constitutional rights, and certain matters of fact and law of which I had not been aware. He also graciously directed me to a plethora of resources for me to perform significant due diligence, which has proven invaluable. I spent the entire weekend and yesterday engulfed and sifting through inexorable mountains of rules, regulations, codes, laws, state and federal, Supreme Court decisions, and foundational documents of our Republic. I then synthesized my research to arrive at this motion.

In the words of the Hon. Judge James Alger Fee, United States Court of Appeals, in the case of US v Johnson, 76 Fed, Supp. 538, he stated: that your Rights are “*neither accorded to the passive resistant, nor to the person indifferent thereto*.” Furthermore, Judge James Alger Fee stated that **your Rights cannot be claimed by attorney or solicitor** and are only valid “*when insisted upon by a BELLIGERENT claimant in [propria] person[a].*” His final warning was clear that “*one who is persuaded by honeyed words or moral suasion to testify or produce documents.... Simply loses the protection*” of your Rights.

MEMORANDUM IN SUPPORT OF MOTION TO DISMISS CRIMINAL COMPLAINT
AND CHALLENGE TO JURISDICTION AND STANDING

I present herein my testimony and I claim, affirm, and declare that this court lacks jurisdiction and that it has committed fraud upon the court, fraud upon We the People and fraud ab initio. In support of these declarations and affirmations, I offer this Memorandum to support my motion to dismiss criminal complaint.

To begin this journey let's look at Title 18 Part III Chapter 301 Sec 4001: Limitation on detention: control of prisons: (a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress. Corroborating citation: Federal Rules of Criminal Procedure. Rule 26. Notes of Advisory Committed on Rules, paragraph 2, On the other hand since all Federal crimes are statutory [see United States v Hudson, 11 U.S. 32, 3 L.ed 259 (1812)] and all criminal prosecutions in the Federal courts are based on acts of Congress... "

"In order to define the jurisdiction of the Federal courts to conduct criminal prosecutions, one would have to find out what the specific definition of "Act of Congress," is. We find such a definition in Rule 54 c of the Federal Rules of Criminal Procedure prior to Dec. 2002, wherein is defined "Act of Congress". Rule 54 c states: "Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession." After this was cited in a book, the Supreme Court subsequently removed this definition from the rules to obscure the very limited nature of their jurisdiction. They merged it with Rule 1 and the above limitation was removed, **although it still applies because the definition was never actually changed.** This scam is documented in section 6.9.6 of the book entitled *Great IRS Hoax*. Title 18 Part II Chapter 211 Sec. 3238 Offenses not committed in any district: "*The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in which the offender, or any one of two or more joint offenders, is arrested or is first brought; but if such offender or offenders are not arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the*

District of Columbia.” Federal courts are by definition “inside their own district” and inside the “federal zone”. In other words, if they can kidnap/extradite [me] or get me to walk voluntarily inside one of their districts by walking into a federal courthouse near my home, then they can conduct a trial on [me]. For the purpose of federal statutes and “Acts of Congress” defined herein, the several states of the Union of states, collectively referred to as the “United States of America” or the “freely associated compact states” are considered to be “foreign countries” with respect to the national government. 26 C.F.R. sec 1.911-2(h): The term “foreign country when used in a geographical sense includes any territory under the sovereignty of a government other than that of the United States...” Foreign government: “The government of the United States of America, as distinguished from the government of the several states.” (*Black’s Law Dictionary, 6th Edition*)). The California Supreme Court agreed with the conclusions of this section when it stated in the case of *People ex re. Atty. Gen. V. Naglee* 1 Cal 234 (1850): “...for each state possess[es] all the powers of an independent and sovereign nation, except so far as they have been ceded away by the constitution. The federal government is but a creature of the people of the states, and, like an agent appointed for definite and specific purposes, must show an express or necessarily implied authority in the chartered of its appointment, to give validity to its acts.” Authorities on Jurisdiction of Federal Courts. I affirm and declare that by its own rules found in its authorities on jurisdiction of federal courts, this court lacks jurisdiction, and is acting via assumption and presumption of jurisdiction under the color of law and prima facie evidence of fraud upon the court, fraud upon We the People, and fraud ab initio. “*Fraud vitiates all*” *US v Throckmorton* 98 US 61

Now that I am aware of your lack of jurisdiction, and that I am under no obligation to your authority, **I rescind any implied contract you may presume I willingly and with knowledge aforethought entered into when I walked into your federal courthouse.** I declare that I was duped into appearing, threatened with arrest, and coerced under duress, which concealment of our true relationship one to another constitutes fraud upon the court, fraud upon We the People and fraud ab initio. A finding of fraud by this court not only defeats any assertion of jurisdiction, but it also precludes your ability to exercise any dominion over me. As further evidence of said coercion, when I asked my attorney why she was not objecting to my presenting myself, absent a

validly served Summons, she stated that if I did not appear, voluntarily, I would be arrested and forced to appear... in other words, kidnapped, which is a crime in and of itself.

COMES NOW, i, man, Michael Kirk Moore, and I reserve, claim all, and waive none of my God-given, secured and guaranteed Rights, pursuant to the Declaration of Independence and the Constitution for the united States of America as ratified in 1791 with the Articles of the Amendments to affirm the following:

- 1- I was granted a continuance to appear, set for May 26, 2023. The court has ordered that appearance must be in-person. The stated purpose of the hearing is to discuss my request to have my attorneys withdraw from the case. It is not my intention to discuss anything other than jurisdiction at this point because the court lacks jurisdiction to discuss anything regarding the case until after the issues of jurisdiction and fraud upon the court are settled. When I learned that any appearance for any reason other than to challenge jurisdiction can be construed as submitting to the court's jurisdiction, it precipitated my preemptively making this special appearance, via this motion and affidavit of truth, which stands as an appearance. A challenge to jurisdiction estops the court from taking any further actions against me until said jurisdictional issue is resolved. Appearing via Affidavit of Truth constitutes a valid appearance because the testimony carries the same penalties of perjury therein as if I had been sworn in by a judge, and the content within the affidavit stands as truth in commerce. **Maxim: "Truth is expressed by means of an affidavit", Maxim: An affidavit stands as truth in commerce. Therefore, I shall not be appearing in person on May 26, 2023, and I respectfully move the court to vacate that hearing. No sanction can be imposed absent jurisdiction."** Joyce v US F2d 215.
- 2- I affirm that I **do not consent** to being represented (re-presented, as in made into a fiction) by any "attorney" or "lawyer" or other B.A.R. member who has sworn his/her fealty to a foreign guild and to the foreign court system. B.A.R.-card attorneys work for the British Crown aka "*British Accreditation Registry*." I cancel all powers of attorney and speak on my own behalf. **EXHIBIT A** An "attorney" is an arm of the state, an officer of the court. Their **FIRST** duty is to the court, then to the government, and then to the defendant to whom they, under the color of law and fraudulently, represent to us that they

are acting in our best interest. Furthermore, whenever any “duty” to YOU interferes with their first duty, YOU are the one that is to take a “back seat.” *“No servant can serve two masters”* is a well-established Biblical principle (one of the foundational books of our jurisprudence), and of natural law. Luke 16:13. Therefore, this court lacks all ability for due process, which is guaranteed to me, a living man, on the land, as a natural right and affirmed in the Bill of Rights.

- 3- I assert that I, Michael Kirk Moore, am not a “licensed” B.A.R. member, nor a member at all, whether licensed or not. Therefore, I am not required to know the rules and procedures of the B.A.R., and I am not authorized to practice your copy-written foreign law. Notwithstanding, I have and claim my superior right to self-presentation. I am of sound mind, mentally competent, and of majority age. *“Pro se litigants are “held to less stringent standards than formal pleadings drafter by lawyers” and are to be liberally construed.”* Erickson v. Pardus, 551 U.S. 89, 94 (2007) *“per curiam” (quoting Estelle v. Gamble, 429 U.S. 97, 106 (1976))*. It is my intention to present my assertions as clearly as I can but understand that I am not familiar with all rules of court, or with language commonly referred to as “legalese”.
- 4- As declared by an ex post facto indictment on named Sovereign, One of “We The People”, (creators/executors of government) and protected by (E.O. 100 Lieber Code) and subsequently corresponding I am hereby appearing by this Special Appearance, in Propria Persona to present this Affidavit of Truth. To remain in honor and peace in order to achieve full settlement and immediate closure of this matter of the TRUST before the court, I hereby state that I, as the co-Fiduciary and co-Beneficiary of the VESSEL under the PCT that is named above, claiming my minor estate (CQV) and not understanding nor consenting in any other matter; **nor turning over any other jurisdiction**, nor waiving any un-a-lien-able rights, now Provide Testimony via this Affidavit, under God and affirm under the penalties of perjury, that the herein facts are true and correct, and shall rest upon this the “public record of this court.” *“The United States Supreme court declares that the “Sovereignty” remains with the ‘people’ and resides with the “people””* Yick Wo vs. Hopkins and Woo Lee Hopkins (118 US 356). I assert and declare that The Congressional Record, June,13, 1967, pp. 15641-15646 states that **“A citizen of the United States is a civilly dead entity operating as a co-trustee and co-beneficiary of the PCT, the private**

constructive, cestui que trust of US Inc. under the 14th Amendment, which upholds the debt of the USA and US Inc. in Section 4.” I repudiate any assumptions that I am a civilly dead entity and I assert and declare that I am NOT a citizen of the UNITED STATES. Lest there be any ambiguity as to my rightful status as a living man, with a soul, I affirmed my status per 8 USC 1101 at 21 and 23 once I realized the 14th Amendment citizen (U.S. Citizen) is considered a “*dead civil entity*” see congressional Record June 13, 1967, pp 15641-15646. In so doing, I repudiated my presumed U.S. Corporate Citizenship status and have reclaimed my rightful heritage and standing as a Sovereign, living man, a living soul, a Utahn-American, a State National as my rights are given to me by YHWH. I declare and affirm that I have evidentiary documentation of our proper relationship with the for-profit foreign government service corporation known as the UNITED STATES in the form of an AFFIDAVIT OF REPUDIATION AND REVOCATION OF US CITIZENSHIP sent by Registered Mail to the U. S. Secretary of State.

- 5- I, a sovereign living man (**NOT a sovereign citizen**), created in the image of YHWH see Genesis 1:26-28; in a capacity as a foreign non-resident alien, WITHOUT the United States (Corporation) aka UNITED STATES OF AMERICA (Corporation), reserving all God-given rights and immunities, and relying upon our superior jurisdiction with respect to the for-profit private government services corporation now known as the WHITE HOUSE OFFICE, Inc, formally known as “The United States Corp.” (see 28 USC 3002 sec 15(a)(b)), do hereby declare that this court has no jurisdiction over me since I have never entered into any contract with said corporation, and I am not lost at sea, nor do I meet any of the standards that extends jurisdiction to you. Furthermore, a defunct, bankrupt corporation surreptitiously attempting to assume or presume an implied contract for the purpose of bringing forth an action as a legitimate plaintiff, with no notice of its true status, constitutes fraud upon the court, fraud upon We the People, and fraud ab initio.
- 6- I affirm that I am unaware that corporate By-laws of this corporation, operating under the color of law, apply to me as a living man not residing in a foreign federal district but inhabiting my own body in the de jure state of Utah, serving the true Creator and Author of the Law of Men: YHWH.

7- I, Am Michael Kirk Moore, a soul possessing living being, competent, sui juris, jus soli, of majority age (58 years old) and of sound mind, a free and sovereign man, and NOT a slave-class 14th Amendment U.S. Citizen, Taxpayer or Resident, debtor, nor acting as an employee of Government. The Fourteenth Amendment specifically forbids the deprivation of life, liberty, and the pursuit of happiness without due process of law. It also affirms that "*the validity of the public debt of the United States shall not be questioned*".

8- Authorities on Jurisdiction of Federal Courts

9- I, Michael Kirk Moore invoke my right to common law as a living, breathing man, and to Article III courts.

10- **REBUKE AND REPUDIATION OF 12 PRESUMPTIONS OF COURT:** I, Michael Kirk Moore, am not a pauper nor an indigent, operating in lawful money (gold and silver), fully-capable of conducting my own affairs to include taking full responsibility of my ability, capability, demand, and willingness to self-presentation, hereby rebuke and repudiate the *12 Presumptions of Court*, as affirmed by B.A.R. guild card holder members, as constituting fraud upon the court, unconscionable, unconstitutional, and treasonous as a matter of law (punishable by death), pursuant to the United States of America and in direct offense to the rightful Constitution *for* The United States of America, signed in 1791. "*All laws, rules and practices which are repugnant to the Constitution are null and void.*" Marbury v Madison (1803) National Archives, As evidence, on the record, of said *12 Presumptions of Court*, I present herein **EXHIBIT # 001-1**. I also declare and state on the record that I summarily rebuke and repudiate each one as not only unconstitutional, but also offensive and repugnant to our organic Constitution signed in 1791. Ibid Marbury v. Madison.

I declare and affirm that these repudiated and rebuked by me, 12 Presumptions of Court under which you operate, under the color of law, constitute proper grounds for my assertion of lack of jurisdiction and standing and entitles me to relief and remedy by this Court in the form of the immediate issuance of its ruling of Dismissal with Extreme Prejudice, in accord with the lawful remedies in this pleading. **Maxim:** It is a fraud to conceal a fraud.

11- I, Michael Kirk Moore, have a right to challenge jurisdiction at any point during these proceedings up to and including an appeal. Lack of jurisdiction invalidates any presumptions or assumptions of contract. *"Even the party that had invoked the district court's jurisdiction can argue on appeal, to avoid an adverse judgment, that the district court lacked jurisdiction."* 13 Wright & Miller 3522, pp.122-23; *"Where the question of jurisdiction in the court of the person, the subject matter, or the place where the crime was committed can be raised, in any stage of a criminal proceeding, it is never presumed, but must always be proved; and it is never wa[i]ved by the respondent."* U.S. v Rogers, District Court Ark. 23 Fed 658 1855. I further assert that *"No sanction can be imposed absent jurisdiction."* Joyce v. US F2d 215.

12- I, Michael Kirk Moore, **am not a citizen, person, or resident, as defined by codes and statutes throughout the United States Code, Code of Federal Regulations, and other Statutes – none of which apply to living men, or natural persons, but only to employees of government, or to residents of the federal district known as Washington D.C, US citizen. I, Michael Kirk Moore am also NOT a corporation.**

"US citizen' is a fictitious entity and has no rights. Therefore, US citizens residing in one of the states of the union are classified as property and franchises of the federal government as an "individual entity". Wheeling Steel Corp. v. Fox 298 U.S. 193, 80 L. Ed. 1143, 56 S. Ct.773; *"A statute is not a law"* Flournoy v. First Nat. Bank of Shreveport, 197 La. 1'67, 3 So. 2d 244, 248; *"A code is not a law"* In Self v Rhay, Wn 2d 261, *in point of fact in Law, a concurrent or 'joint resolution' of legislature is not "Law"* Koenig v. Flynn 258 N.Y. 292, 179 N.E. 705, 707; Ward v State 176 Okl.368, 56 P.2d 136, 137; State ext rel. Todd v Yelle, 7 Wash 2d 443, 110 P.2d 162, 165, **All codes and regulations are for government authorities, not human/Creators in accordance with God's Laws.**"; **"All codes, rules and regulations are unconstitutional and lacking due process of law."** (Rodrigues v. Ray Donovan, U. S. Department of Labor, 769 F.2d 1344, 1348 (1985)); *lacking due process [of law] in that they are 'void for ambiguity' in their failure to specify the statutes' applicability to 'natural persons "otherwise depriving the same of fair notice, as their constitution by definition of terms aptly identifies the applicability of such statutes to 'artificial or fictional corporate entities or 'persons', creatures of statute or those by contract employed as agents or*

representatives; departmental subdivisions, offices, officers, and property of the government; but not the 'Natural Person' or American citizen immune from such jurisdiction and legalism. The Common Law is the real law, the Supreme Law of the land. The codes, rules, regulations, policy and statutes are 'not the law'." (Self v Rhay 61 Wn 2d, 261). *They are the law of government for internal regulation, not the law of man in his separate but equal station and natural state, a sovereign with respect to government generally:)"* In the ruling of Hale v. Henkel, "...we are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. **The individual may stand upon his constitutional rights as a citizen.** He is entitled to carry on his private business in his own way. His power to contract is unlimited. **He owes no duty to the State** or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. **He owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution...** Among his rights are a refusal to incriminate himself and the immunity of himself and his property from arrest or seizure except under a warrant of the law [not the statutes, codes, regulations]. He owes nothing to the public so long as he does not trespass upon their rights..." As clearly stated above, I, Michael Kirk Moore, do not meet the criteria by which you can assume jurisdiction, and I so assert and declare herein, you must dismiss the causes of action against me as a matter of law.

13- I hereby declare and affirm that this court lacks jurisdiction and that it is committing fraud upon the court by operating under the Color of Law when it is in fact a maritime admiralty court, as evidenced by the gold-fringed admiralty flag it proudly displays in its courtroom. Said court is operating without authority under the organic Constitution signed in 1791, which was never merged into the fraudulently promulgated corporate constitution in 1871, pursuant to the District of Columbia Organic Act of 1871, wherein the foreign corporation known as the United States was formed. **EXHIBIT H**

14- **BARRATRY:** *“No action can be taken against a sovereign in the non-constitutional courts of either the United states or the state courts and any such action is considered the crime of Barratry. Barratry is an offence at common law.”* State vs. Batson 17 S.E. 2d 511, 512, 513. I assert and declare the prosecutor committed barratry in bringing this cause of action against me for the purpose of accessing my Trust so that he can cause to be issued bonds against it without my knowledge or consent. This constitutes a most egregious fraud upon the court and fraud upon We the People. His presumed contract with me is null and void because it is an adhesion contract and does not meet any of the elements of a valid contract. Barratry: *“Barratry is the act of encouraging lawsuits between others in order to create a legal business for one’s personal gain and profit. Barratry is illegal in all U. S. states. Attorneys who are found guilty of barratry will be subject to criminal punishment or discipline by the state bar. They could lose their license to practice law. www.law.cornell.edu/wex/barratry.* I declare the Prosecutor is committing Barratry for the purpose of laying claim to and accessing my Trust. He has brought forth this frivolous and unconscionable action against me for the purpose of deceitfully and surreptitiously accessing my Trust and profiting from it without notice or permission from me.

15- **IMPROPER SERVICE COMPOUNDED BY FRAUD UPON THE COURT:** I, Michael Kirk Moore, claim that even if the court presumed to assume jurisdiction by my appearance on January 26, 2023, it lacks jurisdiction for multiple reasons, to include **improper service, which was compounded by fraud upon the court.** Improper service, when asserted and validated, constitutes sufficient grounds to dismiss the cause of action, for lack of jurisdiction. I again assert that a challenge to jurisdiction can be asserted at any time all the way to and including the appellate court. *“Jurisdiction can be challenged at any time.”* And *“Jurisdiction, once challenged, cannot be assumed and must be decided.”* Basso v. Utah Power & Light Co. 495 F2d 906, 910

16- Pursuant to Fed R Crim. P. 4, a summons must be issued and signed by a judge. It must then be served upon the defendant. *“A summons is served on an individual defendant: (i) by delivering a copy to the defendant personally; or (ii) by leaving a copy at the defendant’s residence or usual place of abode with a person of suitable age and*

discretion residing at that location and by mailing a copy to the defendant's last known address."

17- **A Summons may also be served via eService, which is typically reserved for situations where respondent is difficult to locate or is being elusive.** For eService to be considered proper service, it must be proven that respondent actually uses whatever account is being used for eService. Furthermore, **"Currently, electronic service of process is most often used when all other methods of service have been exhausted, while some argue eService is more effective than service by publication but, before it can be used, it must be proven that the defendant actually uses whatever account is being used for eService."** <https://www.serve-now.com/resources/electronic-process-service>. If I was allegedly served via email, that email would likely have gone to our spam folder. All spam in our office automatically deletes weekly, without our review. **Unless the prosecutor can provide proof of proper service,** which includes receipt by me or by someone who is over the age of 18 years old, this cause of action must be dismissed as a violation of due process for lack of proper service, and therefore, lack of jurisdiction. Fed R Crim. P. 4 does not appear to allow for discretion as it concerns the requirement for proper service.

18- **Fraud upon the court constitutes sufficient grounds to dismiss with prejudice** a cause of action. The case docket in this cause of action, on *PACER*, January 11, 2023, reflects that I was served a summons to appear, via electronic service. **See EXHIBIT D.** While improper service can be cured by the government, and it can then proceed with adjudication, **unless and until the court can prove, on the record that I was properly served electronically, the entry on *Pacer* of not just alleged service upon me, but also of the co-defendants named in this cause of action, constitutes prima facie evidence of fraud upon the court,** which rises to the level of egregious behavior by an officer of the court, judicial corruption, and fertile ground for the issuance of an Order of Dismissal with Prejudice.

"That cheaters should not be allowed to prosper has long been central to the moral fabric of our society and one of the underpinnings of our legal system. Sanctions, in a wide variety of shapes, attempting to encompass the virtually limitless ways litigants manage to misbehave have always been part and parcel of our legal system. Dismissal with prejudice has long been

available as the ultimate civil sanction against litigation misconduct, but is often bypassed in the belief that such efforts rarely succeed at the trial court level and are frequently reversed on appeal when they do. In the past this sentiment was understandable. Older appellate decisions upholding dismissals with prejudice for “fraud on the court” were decisively outnumbered by decisions reversing such dismissals as being too severe.

Recent decisions, including *Destafano v. State Farm Mutual Automobile Insurance Co.*, 28 Fla. L. Weekly D1077 (Fla. 1st DCA April 28, 2003), and *Long v. Swofford*, 805 So. 2d 882 (Fla. 3d DCA 2003), **have been more favorably disposed to affirm dismissals with prejudice for serious, palpable “fraud on the court.” Of course, therein lies the rub. What precisely is “fraud on the court”? When is conduct sufficiently egregious to distinguish it from arguable forgetfulness or misunderstanding? How much bad conduct is enough?** Does one terrible and indisputable lie about a fact central to the case suffice? What about a whole series of lies which make it difficult for the opposing party to ferret out the true facts but, in the end, fail to succeed only because of the diligence and perseverance of opposing counsel, or because the offending litigant, despite being willful, was inept? What if the misconduct is entirely procedural, involving repeated deliberate attempts to obstruct discovery by failing to comply with court orders? There are no simple answers to these questions, nor can there be. Each case must be assessed and adjudicated according to its own unique facts. The basic standards governing fraud on the court are reasonably straightforward.” As set forth in *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th DCA 1998): **The requisite fraud on the court occurs where “it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system’s ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party’s claim or defense.”** *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1118 (1st Cir. 1989). . . . **The trial court has the inherent authority, within the exercise of sound judicial discretion, to dismiss an action when a plaintiff has perpetrated a fraud on the court, or where a party refuses to comply with court orders”.** *Kornblum v. Schneider*, 609 So. 2d 138, 139 (Fla. 4th DCA 1992)

19- Fraud upon the court requires an evidentiary basis. For the trial court to properly exercise its discretion regarding dismissal of a case for fraud on the court, **“it must have an evidentiary basis to make that decision.”** See *Howard v. Risch*, 959 So.2d 308, 313 (Fla. 2d DCA 2007). **“Assertions in a motion to dismiss the complaint do not provide an**

evidentiary basis for finding fraud upon the court.” The official filing upon PACER of a fraud committed by an officer of the court serves as prima facie evidentiary basis to meet that requirement.

- 20- Furthermore, 37 Am Jur 2d at section 8 states in part: *“Fraud vitiates every transaction and all contracts. Indeed, the principle is often stated, in broad and sweeping language, that fraud destroys the validity of everything into which it enters, and that it vitiates the most solemn contracts, documents, and even judgments.”* See also United States v. Throckmorton: *“Fraud Vitiates All.”*
- 21- **Fraud** *“in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, and if he deliberately conceals material information from them, he is guilty of fraud.”* McNally v U.S. 350, 371-372 Quoting U.S. v Holzer 81, F. 2d, 304, 307.
- 22- Once proper service is asserted as an affirmative defense to a challenge of jurisdiction, the government **must** respond, on the record, **and rebut all assertions and affirmations claimed within the motion before it can proceed in any adjudicative posture against me.** *“The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings.”* Hagans v. Lavine, 415 U.S. 415 2d 533; *“There is no discretion to ignore lack of jurisdiction.”* Joyce v U.S. 474 2d 215; **“Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted.”** Latana v. Hopper, 102 F2d 188; Chicago v. New York, 37 F Supp 150.
- 23- The opposing party/government/prosecutor must enter onto the record said rebuttal/response within fourteen days (14), pursuant to DUCrimR12-1 for filing motions and to Federal Rules for filing motions. Once jurisdiction is challenged, the non-discretionary burden of proof rests upon the party who brought forth the action (the plaintiff/government/accuser). *“The burden shifts to the court to prove jurisdiction.”* Rosemond v Lambert, 469 F2d 416. *“The proponent of the rule has the burden of proof.”* Title 5 U.S.C. 556(d) **“Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof lies with the assenter. The court is only to rule on the sufficiency of the proof tendered.”** *“See McNutt v GMAC 298 US 178. The origins of this law may be found in Maxfield’s Lessee v.*

Levy, 4 US 308. Any action taken by the prosecutor or by the court prior to settling the matter of rightful jurisdiction is a violation of due process, as defined by the Constitution of the United States of America, and the Bill of Rights. *“When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason”* US v Will, 449 US 200, 216 101 S. Ct. 471, 66 L Ed2nd 392, 404 (1980) Cohens v Virginia, 19 US (6 Wheat) 264, 404, 5 Led 257 (1821) *“The court has no jurisdiction to determine its own jurisdiction over the defendant, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance.”* Rescue Army v Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 1. Ed 1666, 67 S. Ct. 1409

24- In addition to your local rules, once a motion is presented to the court the prescribed period for response is also codified at 28 U.S.C. 636(b)(1) which provides fourteen days to respond, at which point, if no response has occurred, the court may then enter judgment of dismissal, consistent with the pleadings herein, as a matter of law and a settled matter. Maxim: “An un rebutted Affidavit stands as TRUTH in Commerce.” Maxim: “He who does not deny, admits. An un rebutted affidavit becomes the judgment in Commerce.” Non-Rebutted Affidavits are “Prima Facie evidence in the Case.” United States v. Kis, 658 F2d, 526, 536-537 (7th Cir 1981) Seltzer v. Seltzer, 80 Cal. Rptr 698 “Uncontested Affidavit as true in support of Summary Judgment.”

25- Pursuant to United States v. Wilson, 864 F 2d 1219, 1221 (5th Cir. 1989) cert, denied, 492 U.S. 918 (1989) (the court held that if no objections are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”) “Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading... We cannot condone this shocking behavior... This sort of deception will not be tolerated and if this is routine it should be corrected immediately. U.S. v Tweet, 550 F2d 297-299 See also U. S. v Prudden, 424 F2d, 1021, 1032, Carmine v. Bowen 64 A 932.

26- As further evidence of this court’s lack of jurisdiction, I assert that this court is operating under the Color of Law and perpetrating fraud upon the court by concealing that the original 13th Amendment was duly ratified and is still the valid law of the land. Said

amendment, in Article XIII, prohibits titles of nobility, such as Your Honor, Esq. etc. ***"If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honour, or shall without consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, kin, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust, or profit under them, or either of them."*** "As proof that the 13th Amendment is still the valid law of the land, I offer herein the signed copy of the *Findings of Fact* issued in the Nevada state court Nevada Republic united States of America, presented to the Superior Common Law Court, Nevada republic, which decision cannot be reviewed by any other court of the land, filed on October 18, 2004 to wit: **EXHIBITS G & G-1 Maxim:** Ignorance of the law is no excuse. You are hereby put on notice by me that you are acting under the color of law, thereby attempting to deprive me of due process and of my natural rights as protected by our organic Constitution signed in 1791, and you are well aware of that fact.

- 27- As a sovereign man, and again in the words of Hon. Judge James Alger Fee, I belligerently, yet respectfully so as to remain in honor, assert and declare that I give no consent to a malevolent and tyrannical government and pseudo-court system, who does not have legitimate claim, or jurisdiction over my live body. I do not consent to my live body being claimed as surety for a debt in commerce, whose debt I herein instruct the Trustee (Judge) to settle in its rightful manner, assuming there is a live man or woman who has come forth via sworn affidavit, accusing, Michael Kirk Moore, a live man, of a direct crime/injury against them... in other words... a corpus delecti.
- 28- Reiterating, I, Michael Kirk Moore, a living man, am not a corporation nor an artificial person, etc. as defined in your U.S. codes. Nor am I an employee of your de facto government which was created without the consent of the people pursuant to the treasonous District of Columbia Organic Act of 1871 and is operating under the Color of Law. See attached as **Exhibit H.** I assert that The UNITED STATES DISTRICT COURT, DISTRICT OF UTAH, is aware or should be aware of this. All the employees, judges, magistrates, clerks, court administrators, and agents are aware or should be aware of this. All of you, including all clerks, judges, justices, employees, officers, agents, etc., should be aware they are engaging in acts of Piracy, Fraud, Racketeering, Mail Fraud,

Conspiracy to commit fraud, Treason, and other war crimes. I assert and declare that you all have a financial interest in this cause of action that you have presumed to attain under barratry. I require you to provide your authority for this court, which is a dead corporate entity, to command a living, breathing man to appear anywhere. In support of said assertions I offer the following facts:

*"The 2nd Constitution of the United States of America established in 1871 is a new and different form of governance than that which was created by the 1789 Constitution. The first Constitution created a nation, the second a corporation that used this 2nd constitution to form a new government called THE UNITED STATES, Inc, on February 21, 1871. For THE UNITED STATES, Inc. to become a legal entity it had to have its own constitution, so the 41st Congress committed treason by illegally abandoning the Republic to form a corporation managed by the three branches of government from the incorporated District of Columbia. The Congress had no Constitutional authority to do so. It essentially used the same Constitution of 1789 and by changing one word in the title it in effect created a new legal document that became the **corporate constitution of THE UNITED STATES, Inc.** When government officials, including the President, take their oath of office it is to THE UNITED STATES, Inc. the corporation and not The United States of America, the nation formed by the true organic Constitution for The United States of America.*

*The June 1, 1789, Constitution and the first 10 Amendments referred to as the Bill of Rights written by our forefathers along with the Declaration of Independence guaranteed the God-given rights of the individual as sovereign beings whose freedoms are Divinely Ordained. By forming this new corporate government, it abandoned both the organic Constitution of 1789 and the Declaration of Independence to the status of artifacts which no longer had any legal bearing to guarantees of individual rights. The second constitution in essence formed the municipal charter for how government is to be managed in the incorporated District of Columbia and no longer was the legal document used to govern this nation. The Bill of Rights and the Declaration of Independence were **never transferred** to this new government being formed by the Act of 1871. The 1789 Constitution drafted by our founders was titled "The Constitution for the United States of America." Any corporate changes made to the constitution of THE UNITED STATES, Inc. since 1871 need not be disclosed to the American people for frankly it is none of our business for what have the people of this*

*land to do with the corporate affairs of governance? In fact, the 2nd constitution and its amendments, modifications, deletions, and additions are most likely not kept in this country but in London, UK where the principal benefactors are located, the Rothchild clan. Who knows what changes to the corporate charter were made since then. The one-word change created a new legal document that was used to form the corporation called THE UNITED STATES, Inc. and done so **without the consent of the governed** which was mandated under the organic Constitution of 1789. This is an act of treason for by forming a new government without the consent of the governed violated the Constitution of 1789 that was in full-force and effect on that treasonous day, February 21, 1871. It was on that day The United States of America stopped being a Republic and became a formal legal corporation.” **This treasonous act, that was never disclosed to We the People constitutes fraud. Any actions this court presumes to assert against me, as a sovereign living man who never consented to these acts of treason, constitutes fraud upon the court of the highest level.***

United States v. Throckmorton, Supreme Court clearly states that “*fraud vitiates all.*”

29- I reiterate and affirm that I have no contracts with the plaintiff, foreign, for-profit corporation. If one does exist, let him present my wet-ink signature. Therefore, the UNITED STATES DISTRICT COURT, DISTRICT OF UTAH, is required to Cease and Desist all criminal acts to compel contracts that do not exist. Unless this court can bring forth a valid contract between me and the court or the prosecutor, or the UNITED STATES for-profit corporation, it must immediately dismiss for lack of authority to compel me to contract, resulting in lack of jurisdiction, fraud, fraud upon the court, fraud ab initio, and judicial corruption.

30- The overwhelming evidence validates that this pseudo-government and court are operating under the Color of Law as defined at Black’ Law Dictionary, Fifth Edition: *“The appearance or semblance, without the substance of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under ‘color of law’.* Atkins v Lanning D.C. Okla, 415 F. Supp 186, 188. *“the unlawful acts must be done while such official is purporting and pretending to act in the performance of his official duties, that is to say, the unlawful act must consist in an abuse or misuse of power, which is possessed by the official only because he is an official; and the unlawful acts must be of such a nature and character,*

and be committed under such circumstances that they would not have occurred but for the fact that the person committing them was an official then and there exercising his official powers outside of the bounds of lawful authority. 42 U.S.C.A 1983”

- 31- I assert that no penal sum was disclosed to me upon the “True Bill” (the Indictment). No “Past Due” bill was given nor was I offered the ability to pay the alleged injured party (corpus delicti) nor an “opportunity to cure the debt” as this is a cause of action in commerce with an attempt to access my Trust unlawfully and deceitfully.
- 32- I reaffirm my unalienable (un-a-lien-able) and Constitutionally protected rights by God which preexisted government were violated by actors/agents of the de facto UNITED STATES government, under the color of law, and foreign to me as a natural man, a living man on the land, and as a State National and a Utahn.
- 33- I do NOT live in Washington D.C.; I am not chattel property of the STATE OF UTAH, nor of the foreign entity known as Washington D.C., nor of the UNITED STATES. I am NOT a slave, or chattel property of the for-profit corporation. Slavery was abolished by the U.S. 13th Amendment and the Federal Criminal Code forbids coercive slavery/coercive contracts. **The fiction cannot compel a man against his will without a contract. Slavery is forbidden.** 18 USC 1583, 1584, 1585. I affirm that I am NOT a pauper, chattel, indigent, mentally incompetent or otherwise incapable of living as a responsible and elevated living being of moral character, consistent with 12 USC sec 411, that I operate with real money gold or silver or its exchange.
- 34- I stand upon my YHWH-given liberty as codified in Utah and the United States of America Bill of Rights, Articles of Confederation, Northwest Ordinance, Declaration of Independence, the Holy Bible, and the Magna Carta established in 1215. All these foundational documents stated herein affirm my right to be free from warrantless searches and seizures and **my right to be free from loss of liberty without due process in accordance with the organic Constitution signed in 1791 and its amendments, as well as the Bill of Rights.**
- 35- I stand upon my right to trial by jury at common law and the right to be free from cruel and unusual punishment by being held to answer to these charges against my will, which also constitutes a deprivation of my right to life, liberty, and the pursuit of happiness.

- 36- I reiterate, I DO NOT consent to codes and statutes because I am not an employee of the for-profit Corporation known as the STATE OF UTAH nor the UNITED STATES see 28 USC 3002 section 15(a)(b). see also Self v Rhay 61 WN. 2d 261 which says, “*all codes and regulations are for government authorities only, not human Creators*” and Ray v Donovan, “*codes and statutes are not law; they are corporate by-laws of the for profit corporations.*”
- 37- I DO NOT consent to the admiralty, maritime jurisdiction nor the commercial for-profit Article 1 courts/tribunals, nor do I consent to being governed by a pseudo-government who, in 1933, surreptitiously usurped my rightful status as a natural man by converting my birth certificate into a slave instrument that you can then trade as a security, for your profit, with the ability to hold my body as collateral, and I declare this to constitute a fraud ab initio. Under this scheme, your creating causes of action so that you can secretly access my Trust, constitutes barratry, which is illegal and repugnant to the organic Constitution of 1791 and to the Declaration of Independence, which guarantees us the protection of our right to life liberty and pursuit of happiness. “*Fraud vitiates all*”. Ibid Throckmorton.
- 38- I DO NOT consent to the UNITED STATES attempting to defraud and swindle me out of my freedom to gain access to my MICHAEL KIRK MOORE Trust by filing false claims in commerce, and then threatening to hold my body as surety for the debt. Debtors’ prisons are forbidden in Utah see Article 1 section 18 and see also 28 USC 2007; debt collectors cannot sue; see 15 USC 1692i.
- 39- My civil servants are the trustees, and I am the Beneficiary and Executor of the Michael KIRK MOORE Trust.
- 40- I rebut the doctrine of Parens Patriae as unconstitutional and offensive as a power-grab by agencies pretending to be government and attempting to replace YHWH as my “Heavenly Father.”
- 41- I affirm that there is NO “*Corpus delecti*” (no injured party) therefore NO claim could be filed against me nor my estate. The Sixth Amendment of the Constitution guarantees my right to confront my accusers. “*The Sixth Amendment provides that a person accused of a crime has the **right to confront** a witness against him or her in a criminal action.*” https://www.law.cornell.edu/wex/right_to_confront_witness Because there is no *corpus*

delecti there is no cause of action, nor good cause to bring charges against my estate, nor does the foreign to me, pseudo-government possess standing to bring forth any action, except by my expressed or implied consent. **I vehemently DO NOT CONSENT in any manner.** I do NOT consent to the corporate for-profit Article 1 courts operating under the color of law and pretending they have jurisdiction over me, a living man. I am NOT a resident PERSON, nor US citizen.

- 42- By definition, a corporation cannot speak. It cannot bring forth an Affidavit of Truth to rebut my assertions in my Affidavit of Truth. An un rebutted affidavit stands as truth and as judgment. A representative of a corporation such as a prosecutor can only provide hearsay testimony. It cannot swear under penalty of perjury as to the real facts. That does not qualify as a corpus delecti as contemplated and guaranteed under the Sixth Amendment. A de facto corporation that operated under the color of law, and perpetrated fraud upon the court, which has also been dissolved and rendered bankrupt, deprives me of due process. To prove a crime has been committed you must provide a corpus delecti. No “standing” to pretend to be representing We the People, equals no ability to stand in place as a “corpus delecti”, which equals no crime. By bringing forth this action with a dead and bankrupt corporation as the plaintiff, you are committing the height of egregiousness in the form of fraud upon the court, fraud upon We the People, fraud ab initio, and treason. Fraud defeats jurisdiction because “*fraud vitiates* all”. Ibid Throckmorton. Because I am not a party to a contract with the fictitious for-profit corporation, operating under the color of law, I am under no obligation to accept any of its agents’ third party/hearsay testimony.
- 43- I, Michael Kirk Moore, am fully unaware of any contract that could compel me to perform, in my capacity as a sovereign living being on the soil of The United States of America, and as a State National of the state of Utah. and that if one does exist, you must produce it now so that I may review and verify, and if not rebutted, follow it to the fullest extent of the law.
- 44- For a contract to be valid, it must contain all the elements required within a contract. I affirm that no negotiation of any contract was offered, that no legality of purpose was brought forth, that no meeting of the minds occurred, that no full and honest disclosure was offered, that no privity of contract existed, that no genuine consent occurred, that no consideration has been given, and that no intent to enter into legal relations was agreed upon. I further assert that I, Michael Kirk Moore, a living man, and “government” are not

of like kind (ejusdem generis) and I do not consent to this implied contract imposed upon me by deceit and fraud.

45- I assert that no Actor or Agent or Officer ever produced an Oath to the Republic or de jure government of The United States of America or the de jure state of Utah; thereby acting and pretending to be government under the "Color of Law" and resulting in a deprivation of rights from a foreign pseudo-government, thereby committing Capital Felony Treason and the existence of other crimes.

46- I affirm that I am unaware that free men are subject to the limitations of government or that I shall not be self-governed; but that we are aware that governments are subject to the limitations of their Constitutions and treaties – absent of contracts – and that all power rests with "We the People" from whom all such governments derive their limited existence; therefore, I do NOT consent, I do NOT consent, I do NOT consent to this false claim filed in commerce.

47- I, Michael Kirk Moore, am the Trust protector of the MICHAEL KIRK MOORE Trust and reserve my unalienable right to amend this Affidavit at times and place of my own choosing, accordingly as new facts and revelations are made available to me at various future times and places as yet unknown, and as yet to be determined.

48- I authorize discharge of all my debts (my silver coin is attached) to my notice of discharge of debt letter and silver US mint coin with instructions to discharge the debt as my lawful remedy, see UCC 3-603 and UCC 3-604, Article 1 section 10 HJR 192 public law 73-10.
See **EXHIBIT B**

49- I assert that all my debts are paid by my Lord YHWH who sent his son to die on the cross for all my sins (debt is sin) and dischargeable see 31 USC 5118, Obligations can be discharged without legal tender. I once again repent of any sins I may have unknowingly and inadvertently committed relative to the causes of action brought against me in your cause number **2:23-cr-00010**

50- A debt was created against my estate to drain my Trust, then the UNITED STATES attorney filed a false claim in commerce. I do not consent; I do not consent; I do not consent.

51- I assert that under the International Covenant on Political Rights, congress ratified by treaty into public law 95-20, I have a right to restitution for false arrest and false imprisonment.

52- I have included herein my **Cancellation of all Prior Powers of Attorney as EXHIBIT A**

53- I have included herein my **Claim of Damages/Transgression fee schedule EXHIBIT C**

54- I have included **Discharge Debts, Approval for Trust Authorized Payment**

EXHIBIT B

CONCLUSION

In full consideration of all my affirmations declared herein I assert that this court lacks jurisdiction and, due to the egregious nature of their behavior, the judge has the authority to grant my demand for Dismissal with Extreme Prejudice, consistent with all lawful remedies sought in my pleadings herein.

As my final statement regarding my demand for Dismissal with Extreme Prejudice, I respectfully leave you with this quote from a learned man of the law: *"No official with an IQ greater than room temperature in Alaska could claim that he or she did not know **that the conduct at the center of this case violated both State and Federal law.... Perjury is a crime under both federal and California state law as is the knowing submission of false evidence to a court.** 18 U.S.C. 1621 ... Both crimes make no distinction between criminal and civil proceedings. **This malicious criminal behavior is hardly conduct for which qualified immunity is either justified or appropriate.**"* Hardwick v Vreeken, 14, Case: 15-55563, 01/03/2017.

When officers of the court, **knowing** that they have no jurisdiction, but nonetheless **assume** said jurisdiction via entrapment, deceit and concealment for the purpose of creating causes of action to surreptitiously, and without disclosure or valid contract, attempt to access a man's TRUST, for personal gain, and when said same officer of the court knows that his employer is a pseudo-government acting under the color of law, and that entering on the record that they properly served me, constitutes perjury, I respectfully submit that these facts constitute malicious and reprehensible behavior and that they should not benefit from such, but that justice should deprive them of continuing such an outrageous farce.

Considering the *Durham Report*, released today, places the FBI (a for-profit corporation acting under the color of law) at the top of the list in terms of corruption and guilt, one must wonder why this prosecutor feigned to go after my corporation, my employees and me. Surely, you know that these three letter agencies, all of them are corrupt, are criminal agents, and lack scruples. Surely you know that most of these three letter agencies are complicit in perpetrating the biggest crimes against humanity plot this world has ever known. Surely you know that "Covid-19" was a hoax imposed upon humanity to usher in the "kill shot" for the purpose of further enslaving us, and to massively reduce our planetary population. Surely you know that all lies will be revealed and that these true criminals will face tribunals. Yet, you chose to prosecute me for daring to do the right thing. Surely you know that your employer is a defunct, bankrupt corporation. Why do I know that you know these things? Because I know these things, and I know you have all been apprised of all these truths. Notwithstanding, let's not forget that *ignorance of the law is no excuse*... that maxim works in both directions. You have always known that the 13th Amendment is the law of the land. When a prosecutor, who has full discretion regarding what "crimes" rise to the level of prosecution, it is a travesty that he will elect to advance the lies by persecuting and prosecuting those of us that did the right thing, in the eyes of God, who is my true arbiter, by using codes that do not apply to us, to create causes of action, and he knows that as well.

This officer of the court saw fit to prosecute a man, 3 women and a corporation, for allegedly defrauding this illegitimate, foreign and pseudo-government who has usurped our sacred Constitution and installed themselves as a purported legitimate government that has been deceiving and enslaving, We the People since 1871, by bringing forth this frivolous cause of action against us. His discretionary decision offends the very fiber of morality and self-respect. It is also an abuse of power and stands as fraud upon the court, fraud upon We the People, and fraud ab initio, therefore, this court lacks jurisdiction. ***"FRAUD VITIATES ALL!"***

I proudly stand by my convictions, to honor my oath, under God to *Do No Harm*. I commend my brave "co-defendants" and God-loving people who likewise exercised their duty to stand by superior morality and authority to protect/prevent, with their express consent, desperate

and innocent people from unconscionable and despicable injury, harm and even death, illegally and fraudulently mandated, and tyrannically imposed upon them by pseudo-governments. I respectfully assert that this court should not only grant me relief as set forth herein, but that it should vacate the entire cause of action against all of us named in this cause of action.

I declare that I have met my obligation to offer proof of lack of jurisdiction. I challenge the government to rebut all my affirmations, declarations, and assertions, as required by your codes and statutes. I also assert that the government agent's actions rise to the level of such disgrace that it paves the way for this court to forthright grant Dismissal with Extreme Prejudice in accordance with my pleadings and the lawful remedies stated herein.

DEMAND/DESIRE/RELIEF

“The desire of the righteous shall be granted: Proverbs 10:24

MAXIM: “*Where there is a right, there is a remedy.*”

MAXIM: “*Equity regards substance rather than form*”

- 1- I seek remedy and desire the honor of this court to immediately drop all charges releasing the surety-VESSEL
- 2- I seek remedy and desire the honor of this court to grant my claim to all my property, Cusip attaching numbers **2:23-cr-00010** and all securities linked therein, funds, proceeds, interest, dividends, reversionary interest, and monetization as my sole exclusive property, **due to breach of fiduciary duty** of my trustees operating in bad faith with unclean hands, to commit securities fraud. As my honorable trustee I required notice in the interest of Justice and Equity, the prosecution has brought false charges and has acted in dishonor, without equity, with unclean hands, in bad faith, therefore, all proceeds of this “cause of action” (Case no. **2:23-cr-00010**) shall be paid to me of any securities created of the Bonds, Interest, dividends, created and must be transferred to me; the Beneficiary, including the **Bid, Performance, and Payment Bonds** done through the Dept. of Fiscal Services SF Forms or under I.S.I.N. License.

- 3- I seek remedy and desire the honor of this court to **strike from the public record ALL references to any indictment** ever having been brought against me, my corporation, and all my co-defendants.
- 4- I further seek remedy in preserving and returning all confiscated personal property that was seized from me, pursuant to the search and seizure warrant issued and executed in Salt Lake City, Utah. Upon granting said remedies sought herein, I seek an Order from the Court that all my property be immediately returned to me.
- 5- **I further seek that this Court immediately vacates all pending proceedings and hearings and deadlines until this matter is settled** to include the scheduled hearing set for May 26, 2023.
- 6- Pursuant to Local Rule DUCrimR12-1, it is not necessary for me to include a proposed Order for the judge's consideration. However, I acknowledge that the Judge may ask me to prepare one and submit it in editable Word-format.

Remaining in honor, I respectfully instruct my trustee to settle this TRUST proceeding before the court via Dismissal with Extreme Prejudice.

SIGNATURE PAGE AND NOTARY ON PAGE 28

MICHAEL KIRK MOORE – Vessel TRUST

By Michael Kirk Moore– Beneficiary

Notice to Principal is Notice to Agent, Notice to Agent is Notice to Principal

Executed without the United States: “I declare (or certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 16th day of May in the year Two Thousand and Twenty-Three.

All Rights Reserved/Without Prejudice

By: 

Michael Kirk Moore Beneficiary and Agent for MICHAEL KIRK MOORE – Vessel in Trust
CQV

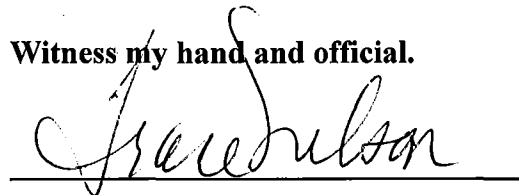
UTAH NOTARY ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF SALT LAKE

On this 16th day of May 2023, before me Traci Nelson a notary public, personally appeared Michael Kirk Moore, proved on the basis of satisfactory evidence, to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official.



Official Seal



Certificate of Service

I hereby certify that on the ____ day of May 2023 I MAILED VIA USPO REGISTRERED MAIL, RETURN RECEIPT REQUESTED OR VIA USPO RETURN RECEIPT REQUESTED the enclosed document and exhibits to the following:

- 1- Clerk of Court, 351 S West Temple Salt Lake City Utah 8410
via registered mail, return receipt requested.
- 2- Magistrate Judge, Jared C Bennett
351 S West Temple Salt Lake City Utah 84101
via USPO return receipt requested
- 3- District Court Judge Howard C Nielson Jr.
351 S West Temple Salt Lake City Utah 84101
via USPO return receipt requested
- 4- Trina A. Higgins, United States Attorney
Office of the United States Attorney
111 South Main Street Suite 1800
Salt Lake City Utah 84111
via USPO return receipt requested
- 5- Todd C Bouton Assistant United States Attorney
Office of the United State Attorney
111 South Main Street Suite 1800
Salt Lake City Utah 84111
via USPO return receipt requested
- 6- Kathryn Nester and Wendy Lewis
50 West Broadway
Salt Lake City, Utah 84101
via USPO return receipt requested
- 7- **Trustee/Fiduciary Donald J. Trump – THE PRESIDENT OF THE UNITED STATES OF AMERICA**
1600 Pennsylvania Ave. Washington, District of Columbia 20530

via registered mail, return receipt requested.

8- Governor of the STATE OF UTAH Spencer J Cox

350 N. State Street Ste. 200 SLC, UT 84014

via registered mail, return receipt requested.

9- Attorney General of the STATE OF UTAH Sean Reyes

350 N. State Street Ste. 230 SLC, UT 84014

via registered mail, return receipt requested.

Michael Kirk-Moore

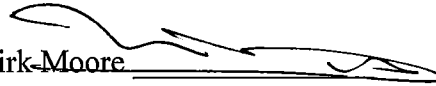
A handwritten signature in black ink, appearing to read "Michael Kirk-Moore", written over a horizontal line.

Exhibit # 001-1

THE TWELVE PRESUMPTIONS OF COURT

All shall be considered rebutted

Canon 3228

A Roman Court does not operate according to any true rule of law, but by presumptions of the law. Therefore, if presumptions presented by the private Bar Guild are not rebutted they become fact and are therefore said to stand true [Or as "truth in commerce"]. There are twelve (12) key presumptions asserted by the private Bar Guilds which if unchallenged stand true being Public Record, Public Service, Public Oath, Immunity, Summons, Custody, Court of Guardians, Court of Trustees, Government as Executor/Beneficiary, Executor De Son Tort, Incompetence, and Guilt:

1. The Presumption of Public Record is that any matter brought before a lower Roman Courts is a matter for the public record when in fact it is presumed by the members of the private Bar Guild that the matter is a private Bar Guild business matter. Unless openly rebuked and rejected by stating clearly the matter is to be on the Public Record, the matter remains a private Bar Guild matter completely under private Bar Guild rules; and
2. The Presumption of Public Service is that all the members of the Private Bar Guild who have all sworn a solemn secret absolute oath to their Guild then act as public agents of the Government, or "public officials" by making additional oaths of public office that openly and deliberately contradict their private "superior" oaths to their own Guild. Unless openly rebuked and rejected, the claim stands that these private Bar Guild members are legitimate public servants and therefore trustees under public oath; and
3. The Presumption of Public Oath is that all members of the Private Bar Guild acting in the capacity of "public officials" who have sworn a solemn public oath remain bound by that oath and therefore bound to serve honestly, impartiality and fairly as dictated by their oath. Unless openly challenged and demanded, the presumption stands that the Private Bar Guild members have functioned under their public oath in contradiction to their Guild oath. If challenged, such individuals must recuse themselves as having a conflict of interest and cannot possibly stand under a public oath; and
4. The Presumption of Immunity is that key members of the Private Bar Guild in the capacity of "public officials" acting as judges, prosecutors and magistrates who have sworn a solemn public oath in good faith are immune from personal claims of injury and liability. Unless openly challenged and their oath demanded, the

presumption stands that the members of the Private Bar Guild as public trustees acting as judges, prosecutors and magistrates are immune from any personal accountability for their actions; and

5. The Presumption of Summons is that by custom a summons un-rebutted stands and therefore one who attends Court is presumed to accept a position (defendant, juror, witness) and jurisdiction of the court. Attendance to court is usually invitation by summons. Unless the summons is rejected and returned, with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and position as the accused and the existence of "guilt" stands; and
6. The Presumption of Custody is that by custom a summons or warrant for arrest un-rebutted stands and therefore one who attends Court is presumed to be a thing and therefore liable to be detained in custody by "Custodians". [This includes the dead legal fiction non-human "PERSON" that corporate-governments rules and regulations are written for.*] Custodians may only lawfully hold custody of property and "things" not flesh and blood soul possessing beings. Unless this presumption is openly challenged by rejection of summons and/or at court, the presumption stands you are a thing and property and therefore lawfully able to be kept in custody by custodians; and
7. The Presumption of Court of Guardians is the presumption that as you may be listed as a "resident" of a ward of a local government area and have listed on your "passport" the letter P, you are a pauper and therefore under the "Guardian" powers of the government and its agents as a "Court of Guardians". Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default a pauper, and lunatic and therefore must obey the rules of the clerk of guardians (clerk of magistrates court);
8. The Presumption of Court of Trustees is that members of the Private Bar Guild presume you accept the office of trustee as a "public servant" and "government employee" just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System. Unless this presumption is openly challenged to state you are merely visiting by "invitation" to clear up the matter and you are not a government employee or public trustee in this instance, the presumption stands and is assumed as one of the most significant reasons to claim jurisdiction – simply because you "appeared"; and
9. The Presumption of Government acting in two roles as Executor and Beneficiary is that for the matter at hand, the Private Bar Guild appoint the judge/ magistrate in the capacity of Executor while the Prosecutor acts in the capacity of Beneficiary of the trust for the current matter. Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by

default the trustee, therefore must obey the rules of the executor (judge/magistrate); and

10. The Presumption of Executor De Son Tort is the presumption that if the accused does seek to assert their right as Executor and Beneficiary over their body, mind and soul they are acting as an Executor De Son Tort or a "false executor" challenging the "rightful" judge as Executor. Therefore, the judge/magistrate assumes the role of "true" executor and has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged by not only asserting one's position as Executor as well as questioning if the judge or magistrate is seeking to act as Executor De Son Tort, the presumption stands and a judge or magistrate of the private Bar guild may seek to assistance of bailiffs or sheriffs to assert their false claim; and
11. The Presumption of Incompetence is the presumption that you are at least ignorant of the law, therefore incompetent to present yourself and argue properly. Therefore, the judge/magistrate as executor has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to the fact that you know your position as executor and beneficiary and actively rebuke and object to any contrary presumptions, then it stands by the time of pleading that you are incompetent then the judge or magistrate can do what they need to keep you obedient; and
12. The Presumption of Guilt is the presumption that as it is presumed to be a private business meeting of the Bar Guild, you are guilty whether you plead "guilty", do not plead or plead "not guilty". Therefore unless you either have previously prepared an affidavit of truth and motion to dismiss with extreme prejudice onto the public record or call a demurrer, then the presumption is you are guilty and the private Bar Guild can hold you until a bond is prepared to guarantee the amount the guild wants to profit from you.

Syllogism
syl·lo·gism
/siləˌjɪzəm/
a noun

1. an instance of a form of reasoning in which a conclusion is drawn (**whether validly or not**) from two given or assumed propositions (premises), each of which shares a term with the conclusion, and shares a common or middle term not present in the conclusion (e.g., *all dogs are animals; all dogs have four legs; therefore all animals have four legs*). **The problem here is not all animals have four legs!**
- deductive reasoning as distinct from induction."this school of epistemology is highly advanced in syllogism and logical reasoning"

No fact or truth shall be tried in court! This is how they GET you!
The BAR tries to destroy us using Syllogism of the 12 Presumptions!
We will NOT accept any Presumption, Assumptions, or Hearsay!

EXHIBIT "A"

(Cancellation of all powers of attorney)

From the desk of: Michael

Kirk Moore

c/o 12244 S 2000 E

Draper, Utah [84020]

Cancellation of All Prior Powers of Attorney

"All prior Powers of Attorney granted by me are removed, cancelled, and permanently revoked, and rescissioned, effective April 29, 1965."

MICHAEL KIRK MOORE, appoint Michael Kirk Moore the living man as Attorney-in-Fact for all purposes related to the administration of the Michael Kirk Moore, estates and all correspondence should be addressed to:

Michael Kirk Moore, 12244 S 2000 E Draper, Utah [84020]

All rights reserved, without prejudice.

by:  (my
autograph, my seal) Michael Kirk Moore a living man,
and
beneficiary of MICHAEL KIRK MOORE trust

STATE OF UTAH
County of Salt Lake City

Subscribed and sworn to before me Traci Nelson, a notary, before me on this
16th day of May, 2023 by Adah DLGB/82710 B 7/24/30 E+D proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me on my sworn oath sitting in for the State of Utah.

Signature Traci Nelson Commission expires: 8/9/25

Public Notary sitting in and for the state of Utah

seal

